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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
GUTSU et al.,  
Defendant.

Case No.: 23-CR-00272-DAD

STIPULATION REGARDING  
EXCLUDABLE TIME PERIODS  
UNDER SPEEDY TRIAL ACT;  
[PROPOSED] FINDINGS AND  
ORDER

DATE: October 29, 2024 at 9:30 a.m.  
TIME: 9:30 a.m.  
COURT: Hon. Dale A. Drozd

**STIPULATION**

1. By previous order, this matter was set for status on August 20, 2024.  
2. By this stipulation, defendants Denis Gutsu and Maxim Gutsu now  
move to continue the status conference from August 20, 2024 at 9:30 a.m. to until  
October 29, 2024 at 9:30 a.m., under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the  
following:

a) The government has provided gigabytes of discovery consisting  
of credit card records, receipts, and text messages along with surveillance  
images and images seized from digital devices. The government has  
produced this discovery either directly to counsel and/or made available for

1 inspection and copying.

2 b) Counsel for defendants desire additional time to consult with  
3 their respective clients, to review the current charges, the conduct  
4 investigation and research related to the charges, to review discovery for this  
5 matter, and prepare for trial.

6 c) Counsel for defendants believe that failure to grant the above-  
7 requested continuance would deny their clients the reasonable time necessary  
8 for effective preparation, taking into account the exercise of due diligence.

9 d) The government does not object to the continuance.

10 e) Based on the above-stated findings, the ends of justice served by  
11 continuing the case as requested outweigh the interest of the public and the  
12 defendants in a trial within the original date prescribed by the Speedy Trial  
13 Act.

14 f) For the purpose of computing time under the Speedy Trial Act,  
15 18 U.S.C. § 3161, et seq., within which trial must commence, the time period  
16 of August 20, 2024 to October 29, 2024, inclusive, is deemed excludable  
17 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it  
18 results from a continuance granted by the Court at defendant's request on the  
19 basis of the Court's finding that the ends of justice served by taking such  
20 action outweigh the best interest of the public and the defendants in a speedy  
21 trial.

22 4. Nothing in this stipulation and order shall preclude a finding that  
23 other provisions of the Speedy Trial Act dictate that additional time periods  
24 are excludable from the period within which a trial must commence.

25 5. The government, represented by Assistant United States  
26 Attorney Nicholas M. Fogg, does not object to the requested continuance.  
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1 IT IS SO STIPULATED.

2  
3 I consent to the above stipulation.

4 Dated: August 1, 2024

5 PHILLIP A. TALBERT  
United States Attorney

6  
7 /s/ NICHOLAS M. FOGG  
NICHOLAS M. FOGG  
8 Assistant United States Attorney

9 Dated: August 1, 2024

10 /s/ SHAUN KHOJAYAN  
Counsel for Defendant  
DENIS GUTSU

11 Dated: August 1, 2024

12 /s/ TIM ZINDEL  
Counsel for Defendant  
13 MAXIM GUTSU

14  
15 **ORDER**

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17 Pursuant to the stipulation of the parties and good cause appearing, the status conference  
18 previously scheduled for August 20, 2024 is hereby continued to October 29, 2024 at 9:30 a.m.  
19 and time is excluded through October 29, 2024, under Local Code T4. **However, no further**  
20 **continuances of the of the status conference in this case will be granted absent a compelling**  
21 **showing of good cause.**

22 IT IS SO ORDERED.

23 Dated: August 1, 2024

24 *Dale A. Drozd*  
DALE A. DROZD  
25 UNITED STATES DISTRICT JUDGE  
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